

**REMARKS**

Claims 1-25 were pending in this application.

Applicants have amended Claims 1, 4, 5, 12, 14, 16-19 and 24-25.

Applicants have cancelled Claims 22 and 23, without prejudice or disclaimer of that which is defined thereby.

Accordingly, upon entry hereof, Claims 1-21 and 24-36 will be pending and presented for examination.

Applicants acknowledge the indication that Claims 1-13 and 18-25 are objected to, but would be allowable if rewritten to overcome the 35 U.S.C. § 112, second paragraph rejection. Claims 1, 4, 5, 12, 14, 16-19 and 24-25 have thus been amended.

Applicants turn now to the Action.

**Specification Objection**

The specification stands objected to for the reasons given at page 2 of the Action. Applicants' cancellation of Claims 22-23 renders moot this objection.

**Section 112 Rejections**

Claims 1-14 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite, for the reasons given at pages 2-3 of the Action.

Applicants have amended the claims in a manner to overcome the Section 112 rejections. As far as the catalyst, the "catalyst" recited in the "provided" portion of the claim is indeed the same catalyst "recited in the first and second portions" of the composition, where the catalyst is present in and least one of those parts.

Applicants respectfully request reconsideration and withdrawal of the Section 112 rejections.

#### **Sections 102/103 Rejections**

Claims 14-15 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 4,767,794 ("Modic et al.") for the reasons given at pages 3-4 of the Action.

Applicants traverse the Sections 102(b)/103(a) rejections.

For the Examiner's review, Applicants provide a brief summary of the invention. The present invention is defined by Claim 14 as an elastomeric foam comprising the reaction product of a two-part curable foaming composition comprising: (A) A first part comprising: (i) an alkoxysilyl capped prepolymer; and (ii) a polyhydrogen siloxane; (iii) optionally a catalyst which

accelerates both foaming and cross-linking through the alkoxysilyl groups; and (B) A second part comprising: (i) a nitrogen-containing compound having an active hydrogen; (ii) water; and (iii) optionally a catalyst which accelerates both foaming and cross-linking through the alkoxysilyl groups; provided that at least one of the parts contain a catalyst and where after mixing together the first and second parts a cured elastomeric foam is formed.

Modic et al. refers to a foamable composition comprising: (a) 100 parts by weight of a vinyl-containing polysiloxane of a specified formula; (b) from 1 to 50 parts by weight of a hydride polysiloxane of a specified formula; (c) a hydroxyl source selected from water, organic alcohol, hydroxylated siloxane, and combinations thereof in an amount to provide a molar ratio of from about 0.02/1 to about 5/1 of hydroxyl radicals to silicon-bonded hydrogen atoms of component (b); (d) from about 1 to about 250 parts per million of platinum catalyst; and (e) an amount of amine compound effective to lower foam density.

It is well settled that in order to be an effective anticipatory reference, a single document must disclose each and every recitation of a claim under review. Failing such precise

disclosure, rejections under Section 102 are improper. Here, Modic et al. does not possess such disclosure.

Nowhere in Modic et al. is an elastomeric foam comprising the reactive product of the two part curable foaming composition as so defined disclosed, taught or suggested.

Moreover, no motivation exists given Modic et al. to reach for the inventive elastomeric foam as so defined in Claim 14, and given Modic et al. no reasonable expectation of success would be expected to be achieved in reaching the inventive elastomeric foam as so defined in Claim 14.

Only Applicants define the invention in this aspect as an elastomeric foam comprising the reaction product of (A) a first part comprising: (i) an alkoxysilyl capped prepolymer; and (ii) a polyhydrogen siloxane; (iii) optionally a catalyst which accelerates both foaming and cross-linking through alkoxysilyl groups on the alkoxysilyl capped prepolymer; and (B) A second part comprising: (i) a nitrogen-containing compound having an active hydrogen; (ii) water; and (iii) optionally a catalyst which accelerates both foaming and cross-linking through alkoxysilyl groups on the alkoxysilyl capped prepolymer; provided that at least one of the parts contains a catalyst and wherein after mixing together the first and second parts a cured elastomeric foam is formed.

Based on the above, Applicants request reconsideration and withdrawal of the Sections 102(b)/103(a) rejections.

**Section 103(a) Rejection:**

Claims 16-17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Modic et al. for the reasons given at page 4 of the Action.

Applicants traverse the Section 103(a) rejection.

The invention claims a sound and vibration dampening composition comprising the two-part curable foaming composition comprising: (A) A first part comprising: (i) an alkoxysilyl capped prepolymer; and (ii) a polyhydrogen siloxane; (iii) optionally a catalyst which accelerates both foaming and cross-linking through the alkoxysilyl groups; and (B) A second part comprising: (i) a nitrogen-containing compound having an active hydrogen; (ii) water; and (iii) optionally a catalyst which accelerates both foaming and cross-linking through the alkoxysilyl groups; provided that at least one of the parts contain a catalyst and where after mixing together the first and second parts a cured elastomeric foam is formed.

Modic et al. does not disclose, teach or suggest, or motivate one of ordinary skill in the art to reach, the invention as so defined by for instance Claim 16, as amended.

Moreover, no reasonable expectation of success would be expected to be achieved in reaching the inventive elastomeric foam as so defined in Claim 16.

Only Applicants define the invention in this aspect as a sound and vibration dampening composition comprising the two-part curable foaming composition comprising: (A) A first part comprising: (i) an alkoxysilyl capped prepolymer; and (ii) a polyhydrogen siloxane; (iii) optionally a catalyst which accelerates both foaming and cross-linking through said alkoxysilyl groups; and (B) A second part comprising: (i) a nitrogen-containing compound having an active hydrogen; (ii) water; and (iii) optionally a catalyst which accelerates both foaming and cross-linking through said alkoxysilyl groups; provided that at least one of the parts contain a catalyst and wherein after mixing together the first and second parts a cured elastomeric foam is formed.

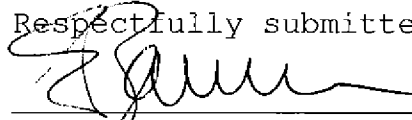
Based on the above, Applicants request reconsideration and withdrawal of the Section 103(a) rejection.

In view of the above, favorable reconsideration and passage to issue of the present case are respectfully requested.

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Respectfully submitted,



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